

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jerome Garcia

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

Richland Co. Treasurer,  
David A. Adams

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for a Civil Case**

Case No. \_\_\_\_\_  
*(to be filled in by the Clerk's Office)*

Jury Trial: ☒ Yes ☐ No  
*(check one)*

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Jerome Garcia</u>
Street Address	<u>1412 Pinson St.</u>
City and County	<u>Columbia Richland</u>
State and Zip Code	<u>South Carolina 29203</u>
Telephone Number	<u>(803) 915-6516</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>David A. Adams</u>
Job or Title (if known)	<u>Richland Co. Treasurer</u>
Street Address	<u>2020 Hampton St</u>
City and County	<u>Columbia Richland</u>
State and Zip Code	<u>South Carolina 29204</u>
Telephone Number	<u>(803) 576-2250</u>

**Defendant No. 2**

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>

**Defendant No. 3**

Name	<u></u>
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Job or Title \_\_\_\_\_  
 (if known)  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Defendant No. 4  
 Name \_\_\_\_\_  
 Job or Title \_\_\_\_\_  
 (if known)  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question
 ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 USC 1983, 1988, and 5th and 14th  
 Amendments

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Jerome Carwin, is a citizen of the State of (name) South Carolina.

b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) David A. Adams, is a citizen of the State of (name) South Carolina. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Richland Co. Treasury, is incorporated under the laws of the State of (name) South Carolina, and has its principal place of business in the State of (name) South Carolina. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) South Carolina.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

### 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$500,000 for infringement of a protected rights, And theft of property by fraud

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Attached complaint.

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Restoration of my bill of Rights, Reimbursement of my funds, dignity, and respect as a member in society who is allowed to enjoy his rights and private property without punishment, threats, or conversions of such protected liberties.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/25, 2023.

Signature of Plaintiff

Printed Name of Plaintiff

  
Jerome Garcia

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

Date 5-25-2023

Complaint

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Jerome Garcia  
1412 Pinson Street  
Columbia SC. 29203  
(803) 915-6516

UNITED STATES DISTRICT COURT  
IN THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA

JEROME GARCIA,

Plaintiff,

vs.

Richland County Treasury, and David A. Adams,

Defendant

C/A No.: N/A

COMPLAINT/ JURY DEMAND

**JURISDICTION AND VENUE**

1. This claim is brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988, 5<sup>th</sup>, and 14<sup>th</sup> Amendments of the U.S Constitution, and the laws of the State of South Carolina.
2. Plaintiff invokes the jurisdiction of this court for his federal causes, and or question pursuant to 28 U.S.C. § 1331, 1343 (a) 3 and 4, and 1367 (a) for his pendant state causes.
3. Venue is appropriate pursuant to 28 U.S.C. § 1391 because the event(s) that gave rise to the claim occurred within the boundaries of this court.

**PARTIES**

4. Plaintiff/Petitioner Jerome Garcia (hereinafter "Plaintiff") has lived in Richland County since 2017, and is currently domiciled in Richland County South Carolina.
5. Defendant(s) Richland County Treasury Municipality, Richland County Treasurer David A. Adams, (hereinafter "Defendant") Resides in Richland county Address: 2020 Hampton St,

Columbia, SC 29204 The parties are sued in their Individual, and official capacity's under Monell, and as Respondent Superior.

### **MONELL CLAIM**

6. Motion to bring a 42 U.S.C. § 1983 claim under Monell v. New York City Department of Social Services, 436 U.S. 658 (1978) against a municipal defendant, a plaintiff must allege the existence of an official policy or custom, and that there is a direct causal link between that policy or custom and alleged deprivation of constitutional rights. See Marchand v. Simonson, 16 F. Supp. 3d 97, 108 (D. Conn. 2014) (citing Bd. of Cnty. Comm'rs v. Brown, 520 U.S. 397, 403 (1997)); see also Monell, 436 U.S. at 694
7. ("In order to establish the liability of a municipality in an action under § 1983 for unconstitutional acts by a municipal employee below the policymaking level, a plaintiff must show that the violation of his constitutional rights resulted from a municipal custom or policy.").
8. The plaintiff has dealt with Richland County Assessors Supervisors Carolina Tower, Terry Burnet, and Charissa Knox, the Richland County Treasury Dept. without remotely any resolution, other than "I'm crazy for even thinking of owning my own land without being tax for it" or being completely condescending when asked about the actual states Tax act and where the actual Situs for private land tax is located in the states own provisions.
9. South Carolinas own 4% and Homestead Exemptions are for commercial, or voluntary purposes, and nowhere in this states law does it require a Plaintiff to fill out applications as require for its benefits, The Plaintiff is not required to participate in commercial activities, especially ones that rename, and take away the private property used in the fundamental



sense of everyday life without a bully state unlawfully overreaching, and forcing its actual lack of authority.

10. Here, Plaintiff claims that the City has a clear custom or policy of condoning and encouraging civil rights violations by its County officials, Judicial officials, and State actors/officers in Richland County South Carolina. (See exhibit A) the Assessors own policies "A Homeowners guide to QUALIFY for LEGAL RESICENCE for property tax purposes"
11. The Policy conflicts with State, and Federal Constitutions, and the Bill of Rights of the Plaintiff, along with the citizens within the Jurisdiction of Richland County Treasury. The Municipality has an unlawful and Fraudulent Taxation policy against the Plaintiffs 5th amendment Right to Own Private Fee Simple Absolute Property.
12. The policy Denies the Due Process Clause of the 14<sup>th</sup> Amendment, or any fair hearing required by 14<sup>th</sup> and 7<sup>th</sup> Amendment and a Right to a Jury to rule on the facts. The Policy ignores both the state, federal Constitutions, and the States own law:

- SECTION 12-37-135. Countywide business registration; fee.

A county governing body may require a business registration throughout the entire county area and may impose an administrative fee not to exceed fifteen dollars. The fee is an administrative fee and must not be based upon business income. The business registration authorized by this section must be administered and enforced in the same manner as the business license tax described in Section 4-9-30(12), but must not be converted into a business license tax as described in that provision. The business registration administrative fee may be billed on any property tax bill and is deemed to be property tax for the purposes of collection if so billed. This

registration, if adopted, is in lieu of any business license which is authorized pursuant to Section 4-9-30(12).

- SECTION 12-43-330. Property exempt from taxation is also exempt from assessment.

Property exempted from ad valorem taxation by Section 12-37-220 is also exempt from assessment.

- SECTION 12-43-220. Classifications shall be equal and uniform; particular classifications and assessment ratios; procedures for claiming certain classifications; roll-back taxes. "Under penalty of perjury I certify that:

(A) the residence which is the subject of this application is my legal residence and where I am domiciled at the time of this application and that neither I, nor any member of my household, claim to be a legal resident of a jurisdiction other than South Carolina for any purpose;

13. The Plaintiff's private property is exempt from the authority, or even the consensual voluntary waiver by way of "APPLICATION" required to be classified by the state's Assessors. This very provision doesn't give assessors authority to assess EXEMPT property, or the right of the Plaintiff to participate in some unlawful commercial venture with the state.

14. The Plaintiff never applied for any state assessors' services, matter of fact on (exhibit B) the Deed you have the Defendants name David A. Adams and signature who signed, sealed, and delivered the original Deed to the Plaintiff. The Deed clearly states: "to have and to hold, all

and singular the premises hereby granted, with the appurtenances unto the said: Garcia, Jerome and His/her heirs, and assigns forever”

15. Yet (exhibit C) the Richland County Treasurer EXECUTION NOTICE says at the bottom to make payments to: Richland County Treasurer which is not the deeded owner of the property.
16. The Plaintiff's Private property is NONPROFIT, it is not an income property, and is not a business conducted on said property and is naturally exempt from commercial taxation. The State, or Richland County Treasury Municipality does not have a Situs Taxable authority to tax the Plaintiff for his right to own a Living Dwelling, or to own Private Land.
17. The Taxable authority of the State of South Carolina Richland County is only for Commercial use, the Defendant is committing Fraud by performing conversions of private property into excise (an indirect tax) and, or commercial taxable property, and by Manipulation of the taxable Situs, and by Misinterpretation of the taxable authority, and the actual property being Taxed. This action, and act of overreach has molded itself into being the States most common law and a common place unlawfully taxing the Plaintiff and Citizens in Richland County, to pay for their right to own their own Private non-commercial/nonprofit living Dwelling.
18. The policy, and practice has become so normal even a South Carolina Circuit judge Alex B. Hyman has erred, and ruled against the Plaintiffs fundamental right to own property by denying the Plaintiffs State Tort claim on 5-24-2023 where he Dismissed the Tort claim refusing to hear the facts, he only heard the Defense attorneys motion to dismiss, who is not even a party or witness in the action, and dismissed the plaintiffs claim without

considering the ultimate facts, and the very Substantive rights that are protected by both the State, and Federal Constitutions.

#### **STATEMENT OF FACTS AND ULTIMATE FACTS**

19. All events described herein occurred April 17th in the year of 2019 in Columbia South Carolina Richland County.
20. Plaintiff moved to South Carolina and was homeless, and had no family or friends to help with any shelter, or a place to stay.
21. The Plaintiff after a year or so struggling managed to save enough to purchase his own piece of raw land located in Richland County, paid for it outright with cash, purchased fee and clear from the Defendant and the Richland County Forfeited Land Commission, and owns the Fee simple absolute deed without lien.
22. The Plaintiff has paid to have the land Surveyed and has improved, and invested into the land clearing trees, and preparing to build a home.
23. During the Covid 19 Pandemic the plaintiff started to receive demands for taxes on the land by the Treasury Department. Given everything being shut down, and hard to reach state agencies, the plaintiff paid the tax in protest under duress until I could fix the issue so I wouldn't lose the property.
24. As this court understands the Plaintiff has had multiple cases in this court during this time, the plaintiff has attempted to protect his rights filing lawsuits. The Plaintiff attempted to call and fix the unlawful taxation of the property by calling the Assessor's office, and treasurers office getting nowhere, and even getting into arguments on the phone with the state

employees who refused to help or explain the authority to tax a right, as there is no Situs to tax private noncommercial property in South Carolinas Tax Act, period.

25. The plaintiff filed a State Tort claim against the Richland County Treasurer David A. Adams on 12-2-22. The defendant refused to not only respond or answer to the Lawsuit in 30 days required by law, his attorney a non-party non-witness makes a motion to dismiss, and the matter was dismissed by judge Alex B. Hyman without adjudication by a jury, or even given the right to be heard on 5-24-2023.
26. The Plaintiff cannot afford the \$250 filing fee of the state court of appeals, and only has 10 days to pay such fee for an appeal, so the plaintiff removes the matter, and files a federal question complaint on my right to purchase, and own private non-commercial land, and to protect the plaintiff's rights from the state actors who are blatantly protecting those and the fraud being committed.
27. The Plaintiff has a right to ownership of land without paying any such fees for any rights.
28. The plaintiff has a right for remedy, and redress, and was denied by the State court allowing no other remedy or action the plaintiff can take to protect his property.
29. The defendant/s have acted under the color of law of the State, negligently, gratuitously, willfully, and beyond the authority granted by the state to unreasonably with the intent to injure the Plaintiff.

#### **CAUSE OF ACTIONS**

30. Paragraphs 13-23 are incorporated herein by reference and predicated on reasonable inferences from the same.

#### **FIRST CAUSE OF ACTION 5<sup>TH</sup> AMENDMENT INFRINGEMENT**

31. Governments shall not arbitrarily infringe on the basic right of the individual to acquire, possess and freely transfer real property, and shall protect private property rights as referred to in the 5th and 14th Amendments of the United States Constitution. The freedom to buy, sell, and utilize property, as protected in the 5th amendment, underlies all real estate transactions and markets. Any restrictions placed on a property owner from realizing the highest and best use of that property hinders economic growth and development and reduces freedoms inherent in our society.
32. The plaintiff enjoys the right to be free from unlawful intrusion and to be secure from unreasonable overreach, and unlawful, fraudulent Taxation for his right, his ownership of any property in the state.
33. The 5<sup>th</sup> Amendment of the U.S Constitution was violated whereby the plaintiff was unlawfully denied the plaintiffs right to possess fee simple absolute property as a result of the acts and omissions against the plaintiff by the defendant/s and the plaintiff has suffered injuries to his property, property interest, and civil rights.
34. The Defendant doesn't have the required public interest, right, or authority of Eminent Domain in the property in question. The Defendant doesn't own the deed, matter of fact this same office has sold the deeded property to the plaintiff without liens outright and issued the very deed they are now misrepresenting as a taxable commercial property, and is clearly INTRINSIC FRAUD, AND THE Circuit court Judge Alex B. Hyman has committed Eccentric fraud to prevent the plaintiff of any fact finding.

35. There's no public interest in my private land, nor am I, was I compensated a fair market value for my home before the state decided to take the ownership power authority to tax me for a right of ownership.

**SECOND CAUSE OF ACTION 14<sup>TH</sup> AMENDMENT INFRINGEMENT**

36. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. a person may not be deprived of property by the government without "due process of law," or fair procedures. In addition, it sets limits on the traditional practice of eminent domain, such as when the government takes private property to build a public road.

37. The defendant has not allowed the plaintiff any due process to take away the ownership authority or power from the Plaintiffs right to owning land. The defense bypassed the courts, and due process and rather used the mail service to unlawfully commit mail fraud and mail the Plaintiff demands, and request of payments without any lawful judicial orders in place to do so.

38. The defendant used deceptive fraudulent practices to extort money from the Plaintiff and threats of even taking the property in question without any due process, or protections of the Plaintiff Substantive, and fundamental rights. As a direct and proximate result of the defendant's unreasonable acts, and omissions against the plaintiff's property the plaintiff has suffered damages by paying money under duress trying to keep his property from being unlawfully taken.

**THIRD CAUSE OF ACTION NEGLIGENCE, FRAUD, AND CONVERSION**

39. The Plaintiff alleges the Defendants each possessed actual knowledge that there was no constitutional basis for them to unlawfully defraud the Plaintiff of his protected right, or his property, therefore as a matter of law, they committed the Tort of "Negligence" in the unlawful "Conversion" of the Property, and rights of the Plaintiff. As a direct and proximate result of the Defendants acts, and omissions against the plaintiff, the plaintiff has suffered injuries to his personal rights, and private property.

**PRAYER FOR RELIEF**

40. **Wherefore**, Plaintiff respectfully demands judgement against the Defendants \$500,000 in Compensatory damages, any punitive damages to the Defendants sanctions or equitable actions to deter and make an example of the defendants. ALL cost from the circuit court Tort claim denied, and disbursements of this action pursuant to 42 U.S.C § 1988, or any other relief this court deems just and proper.

**MOTION FOR REQUEST A STAY**

41. The Plaintiff motions this court to put a stay on the Defendants bill charging the Plaintiff for unlawful tax, and threats of taking, and auctioning off the Plaintiff property if he doesn't pay.

**MOTION TO EXPEDITE THIS CASE**

42. Due to Covid 19 Pandemic, and the months wasted in the States Tort Claims process in Circuit Court trying to remedy this situation the Plaintiff moves this court to rule on the matter as in a Judicial Notice, or as a matter of law according to a Summary Judgement. The movant/Plaintiff shows that there is no genuine dispute as to any material fact and the



Date 5-25-2023

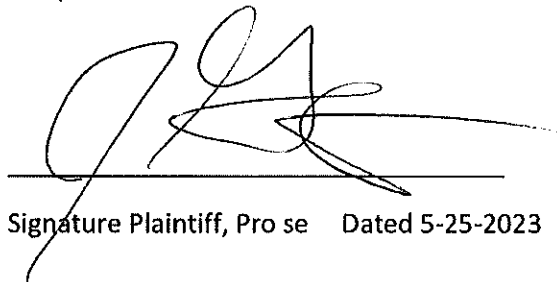
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movant is entitled to judgment as a matter of law, and shall not delay the Administration of Justice further with the Defense anticipated false claims of Immunity, or delays made by non-party attorneys making a mockery of the Court.

43. The Defense shall have a clear answer on how the term "PROPERTY TAX" isn't an oxymoron, and to produce an actual law, or authority that allows the defendant to tax the Plaintiffs right to own private non-commercial, non-profit property.

44. At this point the Plaintiff would consider any claims of immunity to be lazy, remedial, and redundant. The Defendant has an Oath, a official Duty owed to the Plaintiff, and he must be mistaken If he believes I will not fight for my rights, or the property that the plaintiff already plans to deed to his children.

A handwritten signature in black ink, appearing to be 'DA', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Signature Plaintiff, Pro se Dated 5-25-2023

David A. Adams Address: 2020 Hampton St, Columbia, SC 29204